



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Application of: | Rittershaus and Thomas |
| Serial No.: | 09/943,334 |
| Filed: | August 30, 2001 |
| Entitled: | MODULATION OF CHOLESTERYL ESTER TRANSFER PROTEIN (CETP) ACTIVITY |

ART UNIT: 1644

EXAMINER: Belyavskyi

Atty. Docket No.: TCS-411.1P US-1

Commissioner for Patents
Washington, D.C. 20231

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION OVER A PATENT (37 C.F.R. 1.321(c))**

The undersigned, being an attorney of record in the above-referenced patent application who is empowered to sign on behalf of AVANT IMMUNOTHERAPEUTICS, INC. (formerly T CELL SCIENCES, INC.), a Delaware corporation having a place of business at 119 Fourth Ave., Needham, Massachusetts 02139, certifies that AVANT IMMUNOTHERAPEUTICS, INC. is the assignee of the entire right, title, and interest in the above-referenced patent application by virtue of the assignment from the inventors identified above, as indicated by the Assignment Records of the U.S. Patent and Trademark Office recorded at Reel 8942, Frame 0406 and Reel 010086, Frame 0348.

AVANT IMMUNOTHERAPEUTICS, INC. hereby disclaims the terminal part of the statutory term of any patent granted on the above-identified patent application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154-156 and 173 of the commonly assigned U.S. Patent No. 6,410,022 B1 (U.S. Appln. Ser. No. 08/432,483, filed May 1, 1995) issued June 25, 2002 and set to expire June 25, 2019.

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AVANT IMMUNOTHERAPEUTICS, INC. hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that it and U.S. Patent No. 6,410,022 B1 are commonly owned, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor or assigns.

In making the above disclaimer, AVANT IMMUNOTHERAPEUTICS, INC. does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154-156 and 173 of U.S. Patent No. 6,410,022 B1, as shortened by any terminal disclaimer filed, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The terminal disclaimer fee under 37 CFR 1.20(d) is enclosed by check (no. _4403_). Applicants' small entity status has already been established in this case.

Respectfully submitted,



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